

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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HOWARD M. COKE,

Docket No.: 1:23-cv-00035
(WMS)(HKS)

Plaintiff,

-against-

CITY OF NIAGARA FALLS, NIAGARA FALLS POLICE
DEPARTMENT, LIEUTENANT JEFFREY
GRZESKOWIAK, in his individual and official capacity,
NIAGARA FALLS POLICE OFFICER TOMMIE
CALDWELL, in his individual and official capacity,
LIEUTENANT VINCENT S. GRANTO, in his individual
and official capacity, and NIAGARA FALLS POLICE
OFFICER JOHN DOES #1-10 (fictitiously named), in their
individual and official capacities,

**PROPOSED CASE
MANAGEMENT ORDER**

Defendants.

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Pursuant to the Order of the Hon. William M. Skretny referring this case to the undersigned
for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal
Rules of Civil Procedure and Rule 16 of the Local Rules of Civil Procedure for the Western District
of New York, it is ORDERED that:

1. In accordance with Section 2.1A of the Plan for Alternative Dispute Resolution,
this case has been referred to mediation.
2. Motions to opt out of ADR shall be filed no later than March 17, 2023.
3. Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal
Rules of Civil Procedure will be accomplished no later than April 3, 2023.
4. The parties shall confer and select a Mediator, confirm the Mediator's availability,
ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date

and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than April 7, 2023.

5. All motions to join other parties and to amend the pleadings shall be filed no later than June 19, 2023.

6. The initial mediation session shall be held no later than June 30, 2023.

7. All fact depositions shall be completed no later than January 5, 2024.

8. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than January 12, 2024. Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than March 1, 2024.

9. All expert depositions shall be completed no later than May 17, 2024.

10. All fact discovery in this case shall be completed no later than February 16, 2024.

11. Dispositive motions shall be filed by all parties no later than March 15, 2024. See generally Local Rule 7.1(c); 56. Such motions shall be made returnable before Judge Skretny unless the referral order grants the Magistrate Judge authority to hear and report upon dispositive motions. The parties are directed to provide a courtesy copy of all motion papers to the Judge who will be hearing the motion.

12. In the event that no dispositive motions are filed, a Status Conference is set for March 27, 2024, before Judge Schroeder. The parties may participate by phone upon advance notice to chambers. The Court will initiate the call.

13. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until February 16, 2024. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

14. No extensions of the above dates will be granted except upon written application showing good cause for the extension.

15. Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

Dated: Rochester, New York
February ____, 2023

IT IS SO ORDERED

H. KENNETH SCHROEDER, JR.
United States Magistrate Judge